

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT JEFFERSON,)
)
Petitioner,)
vs.) Case No. 20-cv-595-DWD
)
E. WILLIAMS,)
)
Respondent.)

MEMORANDUM AND ORDER

DUGAN, District Judge:

On November 2, 2022, the undersigned dismissed Petitioner Robert Jefferson's Petition for Writ of Habeas Corpus pursuant to [28 U.S.C. § 2241](#). (Doc. 15). Now before the Court is Petitioner's motion for leave to appeal *in forma pauperis* ("IFP") (Doc. 21).

A federal court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. [28 U.S.C. § 1915\(a\)\(1\) & \(3\); Fed. R. App. P. 24\(a\)\(3\)\(A\); see also Walker v. O'Brien, 216 F.3d 626, 630-31 \(7th Cir. 2000\)](#). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." [Walker, 216 F.3d at 632](#) (citing [Lee v. Clinton, 209 F.3d 1025, 1026 \(7th Cir. 2000\)](#)). Bad faith, on the other hand means that a party has appealed on a frivolous theory, one that "no reasonable person could suppose to have any merit." [Lee, 209 F.3d at 1026](#). The motion to proceed IFP must also be supported by an affidavit that: (1) shows the party's inability to pay or to give security for fees and costs; (2) claims an entitlement to redress;

and (3) states the issues that the party intends to present on appeal. *See Fed. R. App. P. 24(a)(1).*

Here, a review of Petitioner's motion confirms he is indigent. The remaining issue, then, is whether his appeal is not clearly frivolous and taken in good faith. His stated issue, while brief, provides: "[t]hat pursuant to Rehaif my 922(g) conviction should be vacated." (Doc. 21, p. 3). Construing this statement broadly, Petitioner intends to challenge the Court's finding that *Rehaif v. United States*, 204 L. Ed. 2d 594 (June 21, 2019) does not provide a basis to vacate Petitioner's conviction under 18 U.S.C. § 922(g)(1). While the Court remains convinced that its finding was appropriate in this matter, the Court is unable to certify that this appeal is not taken in good faith.

Accordingly, Petitioner's motion (Doc. 21) is **GRANTED**. Petitioner is also reminded, that "[a] litigant who proceeds *in forma pauperis* still owes the fees. If he wins, the fees are shifted to the adversary as part of costs; if he loses, the fees are payable like any other debt." *Thomas v. Zatecky*, 712 F.3d 1004, 1005 (7th Cir. 2013). The Clerk is **DIRECTED** to send a copy of this Order to the United States Court of Appeals for the Seventh Circuit.

SO ORDERED.

Dated: December 20, 2022

/s/ David W. Dugan
DAVID W. DUGAN
United States District Judge